

RASHAUN BLANFORD

PLAINTIFF

9:21-CV-0231  
CTJM/CFH)

V.

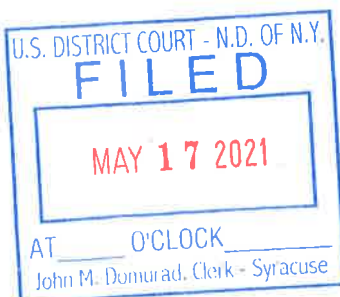
CLAIM FOR DAMAGES

Claim no \_\_\_\_\_

THE STATE OF NEW YORK, et al,  
RMHV Correction Officer S. Banks  
RMHV Correction Officer J. Johnson  
RMHV OMI Coordinator MR. Damore  
RMHV RN Nurse S. Derocco  
Defendants.

1. THE Post office address of the claimant is  
Attica Correctional Facility P.O. Box 149 Attica, NY 14011
2. THE claim is for assault and battery by the state of New York committed by  
its employee, correction officer(s) RMHV correction officer S. Banks  
correction officer J. Johnson  
who injured claimant while acting within the  
scope of his/her employment and in the discharge of his/her duties on February 2, 2021.
3. on (date) February 2, 2021 at (time) 12:35 PM in the city of MARCY, county of  
Oneida, state of New York, (RMHV correction officer S. Banks and RMHV correction  
officer J. Johnson, assaulted and beat claimant by (describe what happened  
and how you were assaulted.
4. A Notice of intention to file this claim was served upon the attorney  
general of the state of New York by Certified mail return receipt requested,  
on the \_\_\_\_\_ day, of \_\_\_\_\_.
5. This claim is filed within one year after the claim accrued as required by  
law.
6. Attached hereto as part of the claim is a sketch of the place of the above  
described incident.
7. As a result of this incident, claimant suffered (describe generally  
how and what you suffered, such as severe physical and mental emotions,  
anguish and pain.
8. The particulars of claimant's damages are as follows
9. This action is filed pursuant to section 10 and 11 of the ~~State~~ ~~of New York~~

Wherefore, claimant respectfully request Judgment  
against the defendants in the sum of ~~\$8,000~~ \$8,000  
dollars.



RASHAUN BLANFORD  
(your name) prose

PAGE 1  
(7)

IN RESPONSE TO NUMBER 7 -  
page 1 of 1  
Case 9:21-cv-00231-TJM-CFH Document 17 Filed 05/17/21 Page 2 of 11  
suffered, such as severe physical and emotional pain.

As a result of the incident that happened February 2, 2021 I am describing how I suffered and how I suffered was because when I put the two pints inside of my penis I was refused emergency medical attention and by me being refused medical attention my patience bill of rights section (4) was violated where it states receive emergency care if you need it. Also section (3) receive considerate and respectful care in a clean and safe environment free of unnecessary restraints and in this situation I was not in a safe environment because I got tossed from my cell in handcuffs for no reason to the point where my body flew sideways and hit the ground. AND to cover the free of unnecessary restraints part I was not free of unnecessary restraints because when I was on the ground in handcuffs the correction officer J. Johnson that threw me to the point where my body flew sideways and hit the ground wasn't even on me restraining me he just left me there on the ground in handcuffs. AND by correction officer S. Banks running up A2-compartment stating stop resisting when he knew no one was on me and by the correction officer J. Johnson allowing correction officer S. Banks to do that he failed to intervene. AND by allowing S. Banks to do that which resulted in him grabbing me and turning me around and sexually touched my butt and using unnecessary restraints which lead to a severe pain and suffering that affected my mental and also lead to the correction officers using excessive use of force would show that clearly my mental health patience bill of rights was clearly violated as well as the claim that's set forth. LAST but not least is that I am going to present evidence in the form of paper too support the excessive use of force claim and the failure to intervene claim as well as the deliberate medical indifference claim. FIRST OFF I received the use of force staff memorandum and the medical report also the 100 book paper where it stated that a use of force happened. WHENEVER a use of force happens and you receive a ticket your suppose to go to a hearing and then plead your case now when this use of force happened on camera I started my hearing and then in the middle of the hearing the office of special investigation came and then I got transferred to the attica correctional facility. NOW me being in this facility I never went to the hearing to complete it and the hearing officer never started my hearing out my presence and also the incident that happened never came on my prison disciplinary record. so therefore since a use of force incident happened and I have the supporting papers to prove it and the hearing officer started the hearing but didn't finish it and the incident never came on my disciplinary record would show that not only did I get assaulted during the incident but also an excessive use of force happened. LAST but not least is on one of the use of force paper that I am putting in here it states that I was forced to the ~~floor~~ face first but yet on the medical report the nurse S. Berocco stated that there was no injuries what so ever and that's even after she denied me emergency medical by telling me to take the pints out my penis which is also listed. AND there was a video that was available but yet the video never came upon request. AND as a result of this happening to me I was in a stressful situation because also instead of me being sent out to the outside hospital I was placed on a contraband watch and the only way you can be on a contraband watch is if you have contraband and in this situation I did so I have supported the excessive use of force claim as well as the deliberate medical indifference claim. AND the last that I would like to mention is that now I am showing ~~proof~~ for the failure to intervene claim not only

against the correction officers but also against the RN nurse S. Berocco and as mentioned the RN nurse S. Berocco failed to intervene because she deliberately stated that I had no injuries on the medical report when on the use of force report it stated that I got slammed face first to the floor and if I got slammed face first to the floor face first I would have some type of bruise on my face. Also, by the RN nurse S. Berocco allowing the correction officers to put me on contraband watch and when she told me too take the pinstriped shirt myself would show another form of element failing to intervene and as a nurse her job title is to help people and I didn't get no help what so ever. IN conclusion I would like for you to pay attention

to where it states Describe actual force used it states officer Johnson took control of the mechanical wrist restraints with his right hand and his left arm wrapped around inmate's upper torso. OFFICER BANKS took control of inmate's left leg with his left hand on his right hand on inmate's right ankle together then forced inmate to the floor face first. Now this also proves that excessive use of force was done to me in which is going to break down. FIRST off by the correction officer Johnson taken control of the mechanical wrist restraints and by his left arm being wrapped around my torso he never stated that I was resisting. AND by him having that type of control of me that would be considered use of force body hold now by both of the correction officers forcing me to floor by grabbing my ankle when that type of force was unnecessary because the other correction officer had control of me would clearly show excessive use of force to support that claim.

UN5571 STATE OF N. Y. - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
 02/19/21 USE OF FORCE REPORT  
 09:35:24 MARCY RES MNTL HLTH UNIT UF LOG NO. [REDACTED]  
 INCIDENT DATE 02/02/21 TIME 12:35PM UI CCC NO.  
 GEN LOC. 17 MENTAL HLTH SPEC LOC. CB LOG NO.

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INMATE	DIN/NYSID	ETHNIC	ROLE
BLANFORD, RASHAUN	18B0908	BLK	PERP

=====

STAFF INVOLVED	TITLE	FORCE1	FORCE2	FORCE3	DEGREE
LEONE, V [REDACTED]	CO	MECH RESTR			
JOHNSON, D [REDACTED]	CO	BODY HOLD			
BANKS, S [REDACTED]	CO	BODY HOLD			

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DESCRIBE EVENTS LEADING UP TO THE APPLICATION OF FORCE:  
 ON 2/2/21 AT APPROXIMATELY 12:35 P.M. INMATE BLANDFORD #18B0908 WHILE  
 EXITING HIS CELL TO BE PLACED ON CONTRABAND WATCH, ATTEMPTED TO KICK  
 STAFF.

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DESCRIBE ACTUAL FORCE USED:

OFFICER JOHNSON TOOK CONTROL OF THE MECHANICAL WRIST RESTRAINTS WITH HIS  
 RIGHT HAND, HIS LEFT ARM WRAPPED AROUND INMATE'S UPPER TORSO. OFFICER BANKS  
 TOOK CONTROL OF INMATES LEFT LEG WITH HIS LEFT HAND AND HIS RIGHT HAND ON  
 INMATE'S RIGHT ANKLE, TOGETHER THEY FORCED INMATE TO THE FLOOR FACE FIRST.  
 ONCE ON THE FLOOR OFFICER JOHNSON USED HIS LEFT HAND TO CONTROL THE  
 MECHANICAL WRIST RESTRAINTS AND HIS RIGHT FOREARM APPLYING DOWNWARD  
 PRESSURE ON INMATE'S UPPER BACK AREA. OFFICER BANKS SAT ON INMATE'S RIGHT  
 LEG AND TOOK CONTROL OF THE INMATE'S LEFT ANKLE WITH BOTH HANDS. BOTH  
 OFFICERS MAINTAINED THEIR HOLDS UNTIL OFFICER LEONE APPLIED THE MECHANICAL  
 LEG RESTRAINTS, AT WHICH TIME INMATE BLANFORD BECAME COMPLIANT, ENDING  
 FORCE.

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UN5571 STATE OF N. Y. - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
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INMATE	DIN/NYSID	ETHNIC	ROLE
BLANFORD, RASHAUN	18B0908	BLK	PERP

=====

EXAMINERS NAME	TITLE	EXAM DATE	TIME
S. DEROCO	NURSE	02/02/21	12:38PM

PART B - PHYSICAL EXAMINATION/TREATMENT REPORT:  
 NO INJURIES NOTED

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SUPERVISOR REVIEW:

WAS INCIDENT VIDEOTAPED? YES	WAS VIDEOTAPE REVIEWED? NO
AUTHORIZED BY:	DATE: / /
WERE USE OF FORCE PHOTOS TAKEN? YES PER DIRECTIVE	
WERE USE OF FORCE PHOTOS REVIEWED? YES	
WAS STAFF MEMBER INJURED? [REDACTED]	
WAS STAFF SEEN BY MEDICAL? [REDACTED]	
WAS INMATE INJURED? NO	
WAS INMATE SEEN BY MEDICAL? YES PER DIRECTIVE	
WAS THE UF MEMO COMPLETED? YES	
WAS THE INMATE RETURNED TO THE CELL? NO TRANSFERED TO: RM-B2-50	
REPORTED BY: SGT DAVIS	DATE: 02/02/21
REVIEWED BY: LT PYKE	DATE: 02/02/21

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REVIEW AND EVALUATION BY SUPERINTENDENT:

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SPT P [REDACTED] REARDON  
 SUPERINTENDENT

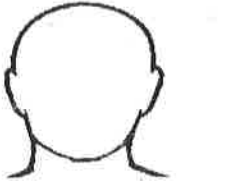
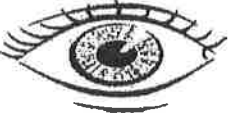
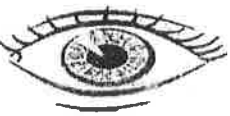
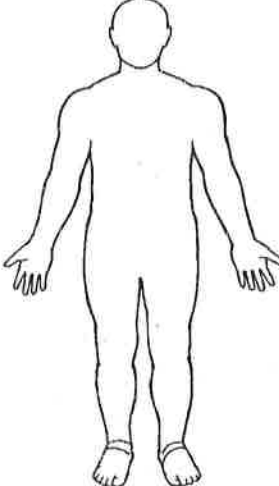
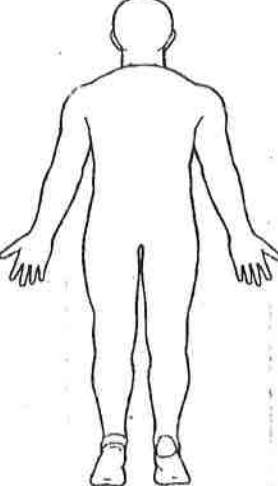





02/09/21  
 DATE

FORM 2104.1ADD (4/12)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Ref. Directive #4944, 4004

**USE OF FORCE REPORT - PART B - ADDENDUM**

FACILITY <b>Marcy 495</b>	Date & Time of Incident <b>2/2/21 1235pm</b>	Facility Use of Force Log # <div style="background-color: black; width: 100px; height: 1.2em; display: inline-block;"></div>
INMATE NAME <b>Blanford, Rashawn</b>		DIN <b>1830908</b>
Cell Location <b>A2-47</b>		
PHYSICAL EXAMINATION / TREATMENT - DETAIL		
EXAMINER'S NAME AND TITLE <b>S. DeRocco RN II</b>		Date & Time of Examination <b>2/2/21 1238pm</b>
  <b>OD (Right)</b>  <b>OS (Left)</b>	<b>FRONT</b> 	<b>BACK</b> 
	 	 
<p>Inmate seen in medical after UOF; Inmate very agitated - states "I have a pen in my dick, you're gonna have to send me out." This Foreign body insertion was not witnessed - Enc Inmate to remove whatever he put in his penis - No trauma seen by staff on penis during strip frisk. Per. NP Conglans with regard to Foreign body - monitor Inmate at this time.</p>		
EXAMINER'S SIGNATURE AND DATE <div style="display: flex; align-items: center;"> <div style="flex: 1;">  <div style="background-color: black; width: 80px; height: 1.2em; display: inline-block;"></div> </div> <div style="flex: 1; text-align: center;"> <b>2/2/21</b> </div> </div>		

Dist: Original - Superintendent

Copy - Guidance unit file(s) of Inmate(s) Involved

## **PATIENT'S BILL OF RIGHTS**

As a patient in a hospital in New York State, you have the right, consistent with law, to:

- (1) Understand and use these rights. If for any reason you do not understand or you need help, the hospital **MUST** provide assistance, including an interpreter.
- (2) Receive treatment without discrimination as to race, color, religion, sex, national origin, disability, sexual orientation or source of payment.
- (3) Receive considerate and respectful care in a clean and safe environment free of unnecessary restraints.
- (4) Receive emergency care if you need it.
- (5) Be informed of the name and position of the doctor who will be in charge of your care in the hospital.
- (6) Know the names, positions and functions of any hospital staff involved in your care and refuse their treatment, examination or observation.
- (7) A no smoking room.
- (8) Receive complete information about your diagnosis, treatment and prognosis.
- (9) Receive all the information that you need to give informed consent for any proposed procedure or treatment. This information shall include the possible risks and benefits of the proposed procedure or treatment.
- (10) Receive all the information you need to give informed consent for an order not to resuscitate. You also have the right to designate an individual to give this consent for you if you are too ill to do so. If you would like additional information, please ask for a copy of the pamphlet "Do Not Resuscitate Orders - A Guide for Patients and Families."

# **Medical and Mental Health Care in Prison: Self-Help Remedies**

**Prepared by Prisoners' Legal Services of New York**

## **INTRODUCTION**

In another PLS memo, called "Medical Care in Prison: Judicial Remedies," we discuss the legal remedies available to prisoners dissatisfied with the medical care they are receiving. The standards for getting relief in a court challenge are very high and often hard or impossible to meet if you are representing yourself. For example, most prisoners do not have the funds to hire a doctor as an expert witness to prove their claims. Outside legal services to represent prisoners in medical care cases are scarce.

A court challenge is not the only way to improve your medical care. There are other ways to become more informed about your medical care and to improve the quality of care when you feel it is inadequate.

We believe that it is important for everyone to become an informed consumer in order to negotiate (deal with) the health care system.

Many complaints about prison medical care arise from a lack of communication between the doctor or other health care provider and the prisoner/patient. This memo outlines some steps that prisoners can take to become better informed about the care that DOCCS is providing.

## **KNOW YOUR RIGHTS!**

Over the past several years, the New York State Health Department has developed a Patient's Bill of Rights. Under Health Department regulations, 10 N.Y.C.R.R. 405.7, a copy of the Patient's Bill of Rights must be given to everyone who receives care at a hospital whether they are getting inpatient or outpatient services. This means that if you are sent out to a hospital, even if it is just for the day, you should receive a copy of the Patient's Bill of Rights from the hospital staff. The following is the Patient's Bill of Rights.

48

TOUR II 2/2/21 TUESDAY Continued

RELEASED INMATE BLANFORD DIN # 1800908  
FROM CELL A2-47 TO <sup>B2-50</sup> ~~0251~~ PER JANUSO  
NOTIFIED: MOVEMENT & CONTROL ✓ NEW CENSUS 88

1149 <sup>am</sup> Program Run started  
1230 <sup>am</sup> Program Run Complete  
1235 <sup>am</sup> Job on BLANFORD put in B2-50

To: ~~Wrote~~ CLERK, U.S. DISTRICT COURT  
FROM: RASHAWN BLANKARD

D.O. #B0409

5/13/2021

SUBJECT  
LETTER

I am writing to you to let you know that i am sending you the particulars of claimant's damages in the next letter respectfully i ran out of papers and i wanted to make sure that ~~the~~ these important ~~papers~~ documents get to you.

ATTICA CORRECTIONAL FACILITY

BOX 149

ATTICA, NEW YORK 14011-0149

NAME: RASHAUN BLANFORD

DIN: 18B0908

BUFFALO NY 140

ATTICA

14 MAY 2021 PM 5 L



NEOPOST

FIRST-CLASS MAIL

05/14/2021

US POSTAGE

\$000.71<sup>00</sup>



ZIP 14011  
041M11284163

CORRECTIONAL FACILITY

CLERK, U.S. DISTRICT COURT

P.O. BOX 7367

1005 Clinton Street

Syracuse, New York, 13261-7367

U.S. DISTRICT COURT  
JOHN M. DEMURAD, CLERK

MAY 17 2021

RECEIVED

LEGAL  
MAIL

13261-610099

